



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 31 2017

Ms. Nora Rothschild, Environmental Technology Manager
Barclay Water Management
55 Chapel Street
Newton, MA 02458

Mr. Michael Drees, Director of Engineering
Mandarin Oriental Hotel Washington
1330 Maryland Avenue SW
Washington DC 20024

Re: Docket Number 03-2017-002-NN
Notice of Noncompliance and Information Request -Mandarin Oriental Hotel Washington DC
PWS ID DC0000010

Dear Ms. Rothschild and Mr. Drees:

This Notice of Noncompliance is being sent to inform you of apparent noncompliance with a National Primary Drinking Water Regulation. Additionally, pursuant to Section 1445(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4(a), you being required to submit certain information related to your compliance with the SDWA. According to our records, the Mandarin Oriental Hotel Washington DC public water system (Mandarin Oriental PWS) has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, and the National Primary Drinking Water Regulations (NPDWR) found at 40 CFR Part 141.

Notice of Noncompliance

The Mandarin Oriental PWS is required, under the Lead and Copper Rule at 40 CFR § 141.85, to provide a notice, known as a "consumer notice", of the individual tap results from lead tap water monitoring to persons served by the water system at the specific sampling site from which the sample was taken. The results must be provided to guests and hotel employees as soon as practical but no later than 30 days after the system learns of the results. The Mandarin Oriental PWS is required by 40 CFR § 141.90(f)(3) to mail a sample copy of the consumer notice to EPA no later than 3 months following the end of a monitoring period, along with a certification that the notice has been distributed in a manner consistent with 40 CFR § 141.85(d).

Based on information we possess:



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Customer Service Hotline: 1-800-438-2474*

1. For the individual tap results (“results”) from lead tap water monitoring conducted during the July to December 2014 monitoring period, the system failed to distribute consumer notices or certify distribution.
2. For the results from monitoring conducted during the January to June 2015 monitoring period, the system failed to:
 - Deliver consumer notices within 30 days of receiving results;
 - Submit an example consumer notice to EPA;
 - Demonstrate that the consumer notices were distributed in a manner consistent with 40 CFR § 141.85(d).
3. For the results from monitoring conducted during the June to September 2016 monitoring period, the system failed to
 - Deliver consumer notices within 30 days of receiving results;
 - Submit an example consumer notice to EPA;
 - Distribute the consumer notices to consumers in a manner consistent with 40 CFR § 141.85(d).

Therefore, the Mandarin Oriental PWS has violated the NPDWR at 40 CFR § 141.85(d) and 40 CFR § 141.90(f).

Request for Information

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which the Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 CFR Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 CFR § 1320.3(c)).

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA with the following information:

1. An example copy of the consumer notice delivered for each of the monitoring periods listed:
 - a. July to December 2014
 - b. January to June 2015
 - c. June to September 2016
2. A description of the distribution method used by Mandarin Oriental PWS to distribute the consumer notice to water system customers, including hotel guests and employees, for each of the above listed monitoring periods.

3. Date or dates of distribution of consumer notices for each of the above listed monitoring periods.
4. A copy of any proposed plan for future delivery of consumer notification to hotel staff and guests.

Your response to this Request for Information shall be in writing and is due within thirty (30) days of receipt of this Notice of Noncompliance and Request for Information. The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth above, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

You should submit your response to:

Ms. Lisa M. Donahue
U.S. Environmental Protection Agency
Ground Water and Enforcement Branch (3 WP32)
1650 Arch Street
Philadelphia, PA 19103-2029
Donahue.lisa@epa.gov

If you have any questions regarding any of the above, please contact Ms. Lisa M. Donahue, Ground Water and Enforcement Branch, at (215) 814-2062.

Sincerely,

A handwritten signature in blue ink that reads "James C. Bennett, Jr." with a stylized flourish at the end.

James C. Bennett, Jr., Acting Chief
Ground Water and Enforcement Branch

